



General Assembly

**Amendment**

February Session, 2012

LCO No. 3257

**\*HB0524103257HD0\***

Offered by:

REP. RITTER E., 38<sup>th</sup> Dist.

SEN. GERRATANA, 6<sup>th</sup> Dist.

To: Subst. House Bill No. **5241**

File No. 80

Cal. No. 92

**"AN ACT CONCERNING DELAYED BIRTH REGISTRATION."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 7-57 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2012*):

5 (a) Any adult or the parent or legal guardian [of the person] of any  
6 minor who is one year of age or older, for whose birth no certificate is  
7 on file, may [, with] request a delayed registration of birth by  
8 submitting to the department his or her affidavit and the affidavits of  
9 two other persons having first hand knowledge of the facts [, make,  
10 under oath, an affidavit as to the matters required to be set forth in a  
11 birth certificate under the provisions of section 7-48 and file the same  
12 in the office of the registrar of vital statistics of the town in which such  
13 birth occurred. Such registrar] relating to such birth, made under oath  
14 and in the manner and form prescribed by the commissioner. An  
15 adult, parent or legal guardian requesting a delayed registration of

16 birth shall also submit to the department documentary evidence of the  
17 name, date and place of birth of the person for whom a delayed  
18 registration of birth is requested. Such documentary evidence shall be  
19 sufficient to enable the department to determine that the birth did, in  
20 fact, occur on the date and at the place alleged by the adult, parent or  
21 legal guardian making the request. If the department determines that  
22 the evidence submitted is sufficient to determine the facts of the birth,  
23 the department shall [thereupon] prepare a birth certificate based upon  
24 the information contained in [such affidavit and file the same with  
25 such affidavit in the same manner as any other birth certificate,  
26 including filing] the affidavits and other documentary evidence  
27 submitted to the department. The department shall transmit a copy of  
28 such certificate [with the department] to the registrar of the town  
29 where the birth occurred and to the registrar of the town where the  
30 mother resided at the time of birth.

31 (b) If [unable to furnish an affidavit satisfactory to the registrar of  
32 such town] the department denies the request for a delayed  
33 registration of birth, such adult, [or] parent or legal guardian may  
34 [apply to] petition the court of probate for the district where such birth  
35 occurred for an order requiring [such registrar] the department to  
36 prepare a certificate of birth of such adult or such minor. [containing  
37 the matters so required to be set forth] The petitioner shall include  
38 with the petition the affidavits and other documentary evidence  
39 submitted to the department in accordance with subsection (a) of this  
40 section. Such court shall [, with or without notice and hearing,  
41 ascertain the facts as to the matters so required and issue an order  
42 directing such registrar to issue such a certificate based upon the facts  
43 set forth in such order. After issuing any such certificate, such registrar  
44 shall make a record of such birth, including in such record reference to  
45 such certificate and the affidavit or order of the court.] schedule a  
46 hearing and cause notice of the hearing to be given to the following  
47 persons: (1) The petitioner; (2) if the delayed registration of birth is  
48 sought for a minor, (A) the parent or legal guardian of the minor, and  
49 (B) if the minor is twelve years of age or older, the minor; (3) the

50 commissioner; and (4) any such other person as the court may  
51 determine has an interest in the hearing. The commissioner or the  
52 commissioner's authorized representative may appear and testify at  
53 such hearing. The petitioner shall have the burden of proving the facts  
54 of the birth. If the court finds by a preponderance of the evidence that  
55 the birth occurred on the date and at the place alleged by the  
56 petitioner, the court shall issue an order containing the person's name,  
57 sex, date of birth, place of birth and any other identifying information  
58 as the court deems appropriate and directing the department to issue a  
59 delayed birth certificate. Upon receipt of a certified copy of any such  
60 order, the department shall prepare a birth certificate based on the  
61 facts set forth in the court's order and transmit a copy of the certificate  
62 to the registrar of the town where the birth occurred and to the  
63 registrar of the town where the mother resided at the time of birth.

64 (c) In any proceeding under subsection (b) of this section, the court,  
65 on the motion of any party or on the court's own motion, may order  
66 genetic tests, which shall mean deoxyribonucleic acid tests, to be  
67 performed by a hospital, accredited laboratory, qualified physician or  
68 other qualified person designated by the court to determine parentage.  
69 The petitioner shall be responsible for the cost of any genetic test  
70 required by the court, except the department shall pay such cost for  
71 any petitioner who is found by the court to be indigent. If the results of  
72 such test indicate a ninety-nine per cent or greater probability that a  
73 person is the mother or father of the adult or minor for whom a  
74 delayed registration of birth is sought, the results shall constitute a  
75 rebuttable presumption that the person is, in fact, the mother or father  
76 of the adult or minor for whom a delayed registration of birth is  
77 sought.

78 (d) Birth certificates registered one year or more after the date of  
79 birth shall be marked "delayed" and indicate (1) the date of the delayed  
80 registration, [ The provisions of sections 7-42 and 7-73 shall apply to  
81 the acts of the registrar under this section] (2) the person's name, sex,  
82 date of birth, place of birth and any other identifying information  
83 prescribed by the commissioner, as such facts of the birth have been

84 determined based upon the evidence presented to the department or  
85 stated in a court order, as the case may be, and (3) when the facts of the  
86 birth are determined by court order, a statement that the birth is  
87 registered pursuant to court order."

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2012</i>	7-57
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